

# Customer Guide to the Private Express Statutes



***Serving the Nation Equally***

The Private Express Statutes (PES) are laws enacted by Congress that give the U.S. Postal Service the exclusive rights to carry letters for compensation.

These statutes make it generally unlawful for any person other than the Postal Service to send or carry letters over postal routes for compensation — unless the amount of postage that would have been charged on the letter by the Postal Service is paid.

The PES were enacted to protect the Postal Service's revenue, a large part of which is derived from the transportation of letters. The protection of this revenue ensures universal service at a uniform price to all customers, regardless of the loss or profit from its operations in any locale.

## ***Are there any exceptions?***

Private carriage of letters without payment of postage is permitted when the letters are carried:

- ▶ By the senders, recipients, or their regular, salaried employees.
- ▶ By private hands without compensation.
- ▶ With and relating in all substantial respects to cargo that they accompany.
- ▶ By a special messenger for a specific occasion.
- ▶ Prior to or subsequent to mailing.

## **What is a letter?**

For the purposes of the PES, a letter is defined as a message recorded in or on a tangible object and directed to a specific person or address.

A message is defined as recorded information. The method used for recording a message can take various forms, including written or printed characters, computer printouts, magnetic recordings, or drawings.

Examples of letters include personal correspondence, reports, billing statements, interoffice memos, requisitions, bulletins, and addressed advertisements.

## **What is not a letter?**

These items are not considered letters, so they are not subject to the PES:

- ▶ Financial instruments, checks, securities, titles, and insurance policies when sent to, from, or between financial institutions.
- ▶ Legal papers filed in lawsuits.
- ▶ Newspapers and periodicals.
- ▶ Books and catalogs consisting of 24 or more bound pages.
- ▶ Fliers passed out randomly.
- ▶ Telegrams.
- ▶ Copy sent to or from a printer or compositor.
- ▶ Photographic material sent to or returned from processing.

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## ***What are suspensions?***

The Postal Service has suspended operation of the PES when the public interest is best served.

Private couriers are permitted under the suspension of the PES to carry the following types of letters under specific conditions:

- ▶ Certain letters in colleges' and universities' own mail systems.
- ▶ Certain data processing materials.
- ▶ Certain international ocean carrier-related documents.
- ▶ Certain letters to be remailed in a foreign country.
- ▶ Certain advertisements enclosed in parcels or periodicals.

"Extremely urgent" letters are also a category of letters exempt from the PES if the letters meet at least one of the following conditions.

### **Condition 1: Cost**

A letter will be considered "extremely urgent" without regard to the nature of its contents if the amount paid for private carriage is at least \$3 per letter or twice the applicable First-Class rate, whichever is greater. The suspension may be used for any letter that meets the cost condition. No other requirement is necessary.

### **Condition 2: Loss of value**

If the cost condition is not met, a letter will be considered "extremely urgent" only if its value or usefulness will be lost or greatly diminished if the letter is not delivered within a specified delivery time and the letter is in fact delivered within one of these delivery standards:

- ▶ Letters with a destination less than 50 miles and sent before 12 noon must be delivered within 6 hours or before the close of the normal business day, whichever is later.
- ▶ Letters with a destination less than 50 miles and sent after 12 noon must be delivered before 10 a.m. the next business day.
- ▶ Letters with a destination more than 50 miles must be delivered within 12 hours or by 12 noon the next business day.

## ***Need more information?***

A more comprehensive explanation of the PES can be found in title 39 of the Code of Federal Regulations parts 310 and 320. For copies of the current regulations or more information, contact your business mail entry manager at your district office.

Administrative responsibility of the Private Express Statutes is under the jurisdiction of the manager of the Chicago Rates and Classification Service Center.

If you want an advisory opinion on a specific application of the Private Express Statutes, send a complete written statement of the facts and a sample copy of the material in question to:

MANAGER  
CHICAGO RATES AND CLASSIFICATION  
SERVICE CENTER  
US POSTAL SERVICE  
3900 GABRIELLE LN RM 111  
FOX VALLEY IL 60597-9599

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